

CRIMINAL NO. 1:05CR239

EDWARD PORTA

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ORDER

At the sentencing hearing on May 2, 2007, the undersigned deferred the determination of restitution for a 45-day period in order to provide the Government an opportunity to submit claims for victims. On June 27, 2007, the United States Attorney filed a notice regarding those victims and the amounts of restitution. In that notice, the Government acknowledged that it had omitted as victims some defrauded individuals and companies due to their complicity in the illegal conduct at issue. The United States Attorney included a certificate of service on the Defendant's attorney by electronic filing but neglected to provide the e-mail address of that attorney. On the same date, the United States Attorney was notified by the

Clerk of Court that he should file a new certificate of service showing the e-mail address of the person served. The United States Attorney never did so.

Defense counsel claims he did not receive the notice. Out of an abundance of caution, the Court will require the Government to serve the notice on defense counsel who will then have fifteen days thereafter to object to the proposed restitution. The Government is also requested to address whether any of the named victims were allegedly involved in or complicit in the illegal conduct. The Court has specifically noted that Triangle Textiles was so referenced in the complaint originally filed in this matter.

IT IS, THEREFORE, ORDERED that the United States Attorney shall serve the Notice of May 27, 2007, on defense counsel **FORTHWITH** and make a certificate of service thereof;

IT IS FURTHER ORDERED that the United States Attorney shall respond to the inquiry herein within 10 days from entry of this Order; and

IT IS FURTHER ORDERED that on or before 15 days from service of the notice, defense counsel may respond.

IT IS FURTHER ORDERED that the remaining relief sought by the Defendant is hereby **DENIED**.

Signed: August 27, 2007

A handwritten signature in black ink, appearing to read "L. H. Thornburg", written over a horizontal line.

Lacy H. Thornburg
United States District Judge

